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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,765	10/22/2001	Tatsuo Kaizu	275743US6	3313
22850	7590	05/04/2007	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				LAMBRECHT, CHRISTOPHER M
ART UNIT		PAPER NUMBER		
2623				
NOTIFICATION DATE		DELIVERY MODE		
05/04/2007		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/016,765	KAIZU ET AL.
	Examiner Chris Lambrecht	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 December 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection. To the extent that they may still apply, Applicants arguments are not persuasive.

Applicant argues on page 8 of the reply (filed December 4, 2006): "Shen operates on a different basis than the claimed invention in that Shen relies on the PDA 210 accessing the desktop computer 202 to receive a TV program information." The examiner disagrees. In Shen, the PDA 210 acquires program information through the Internet from remote server 208 via desktop computer 202 (see fig.2, col.2 l.40 – col. 3, l.15). This constitutes a "user controlled acquisition means . . . accessing a remote program information providing server through the internet" as claimed.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,401,059 ("Shen") in view of U.S. Patent No. 6,208,799 ("Marsh").

Regarding claims 1 and 5-7, Shen discloses (see fig.2) an information processing system (200), corresponding method, and storage medium storing a corresponding computer-readable

program, comprising: a recording apparatus (226); an information processing apparatus (210) comprising: control means (212) including, user controlled acquisition means (GUI) for acquiring control information (TV program information) for controlling preset recording of a program (col. 3, ll. 30-38) by accessing a remote program information providing server (e.g., Yahoo!®, col. 2, ll. 41-49) through the internet based on a user request to access the remote program information providing server (a user request to access the server supplying the TV program information is implicit in the fact that the user requests display of the information using PDA 210, col. 3, ll. 14-16, and the TV program information is downloaded from an Internet server and transported to the PDA 210, col. 2, ll. 41-67), and conversion means (216) for converting contents (times, date, channel, etc.) described in said control information acquired by said acquisition means into code information (control information) for setting said program preset recording to the apparatus (226), which is remote from the control means (col. 3, ll. 30-51); and transmission means (228) for receiving said code information from said conversion means and for transmitting said code information obtained by said conversion means to said recording apparatus under control of said control means (col. 3, ll. 30-32); the recording apparatus receiving said code information from said transmission means (col. 3, ll. 30-45).

Shen fails to explicitly disclose said recording device confirming whether said code information properly sets said program preset recording, and displaying whether said program preset recording is proper or improper. In an analogous art, however, Marsh discloses a recording device (fig.1, items 15, 18) confirming whether said code information properly sets said program preset recording (fig.3, item 39), and displaying whether said program preset

recording is proper or improper (fig.3, item 37), thereby notifying the user regarding potential recording conflicts (see col.3, ll.9-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the recording device of Shen to include confirming and displaying whether said preset recording is proper, as taught by Marsh, for the benefit of providing additional convenience to the user.

As to claims 2 and 8, Shen in view of Marsh discloses an information processing apparatus according to claims 1 and 7. Shen further discloses said control information acquired by said acquisition means is G-code information (program date, channel, and times, col. 3, ll. 38-40; "G-code information" includes program time and channel information).

As to claims 3 and 9, Shen in view of Marsh discloses an information processing apparatus according to claims 1 and 7. Shen further discloses said transmission means transmits said code information to said recording apparatus by use of an infrared signal (col. 3, ll. 30-32).

As to claims 4 and 10, Shen in view of Marsh discloses an information processing apparatus according to claims 1 and 7. Shen further discloses said control information includes broadcast channel information, broadcast date, broadcast start time, and recording end time of said program (col. 3, ll. 35-40).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Susskind, U.S. Patent Application Publication No. 2001/0046366, discloses an

information processing apparatus and methods for acquiring control information for automatically programming a VCR to record television programs.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on weekdays from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on weekdays at (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chris Lambrecht  
Examiner  
Art Unit 2623

CL



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
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